

Meeting Minutes

Project: Upper Platte River Basin Water Management Plan – Single Planning Group

Subject: Meeting #7

Date: Wednesday, July 19, 2017 from 10:30 a.m. to 2:00 p.m.

Location: Holiday Inn Express & Suites, North Platte, NE

Agenda:

- I. Administration (Stephanie White)
 1. Today's meeting will offer a working lunch
 2. This is an Open Meeting
 3. Review of Decision-Making Process
 - The goal is always consensus
 4. May Meeting Recap
 - Covered thoroughly in Basin Value discussion (III)

- II. Review NRD/NeDNR responsibilities for Municipal and Industrial Users (Jennifer Schellpeper)
 1. Nebraska Revised Statute 46-740 – Describes options and authorities related to municipal & commercial/industrial water uses
 - Through December 31, 2025, municipalities and industries are exempted from water allocation limitations
 - In order to qualify for the exemption through 2025, a conservation plan could be required by an NRD's IMP
 - Right now the only NRD that has that in effect is the SPNRD
 - Exemption does not apply to increases in industrial consumptive uses that are greater than 25 million gallons/year
 - Offsets for these uses may be the responsibility of the industry
 - Statute based on reductions in consumptive use associated with municipal growth
 - Any consumptive use reduction associated with municipal growth shall accrue to the net benefit to the NRD
 - Any reduction in consumptive use of water associated with new non-municipal industrial or commercial uses of <25 million gallons accrues to the benefit of the NRD
 - IMP controls protect existing users (not injured by any new uses)
 - IMP controls shall ensure compliance with state & federal laws

- PRRIP – mitigation for new or expanded uses after July 1, 1997
- In 2026 – when exemption ends for allocation, then allocations can be re-set for municipalities
- Stakeholder question: “Have you (NRD) tracked any new uses, referring to the newer expanded uses since ‘97”
 - NRDs monitors new uses (municipal, industrial, agricultural) through meters or other methods and reports that information as required in the annual IMP/basin reports.
- Noted that M&I usage in the basin is a small part of the number for overall use.
- Moratoriums on new uses were implemented at different times in basin NRDs (some moratoriums related to aquifer declines and well interference unrelated to surface water depletive effects) so there are additional agricultural uses post-1997 that occurred prior to moratoriums and regulation. Each NRD is responsible for mitigating the post-1997 uses within its boundaries

III. Basin Values (from May Discussion)

- Several common themes kept coming up
 - Generational stewardship
 - Maintaining the good life
 - There is a space for all; willingness and interest in working together, a shared burden
 - Looking beyond our own fences
 - Municipality contributions – others can make good use of water we save
 - Long culture of adapting & changing with the times
 - “Putting water back to the river without causing economic harm”
 - “We are making a difference! Restored flow to Pumpkin Creek”
- Have we missed any big themes or guiding principles that we should use to help us stay true to our goal?
 - Stakeholder comment – storage is critical piece.
 - Noted that storage is included in that matrix of issues to be addressed in 2nd increment – but may not be appropriate in the bigger picture mission statement.

IV. Potential New Goals Discussion

- To reflect the themes from the May meeting, some possible new goals have been drafted to review
 - Revised goals and objectives
1. Potential new goal #1 – *Partner with municipalities and industries to maximize conservation and water use efficiency*

- *Establish community education programs; track effectiveness annually*
- *Establish standardized economic development policies regarding new water-intensive business*
- Feedback on first potential new goal
 - Typical municipal rate structure noted – potential disincentive for conservation.
 - Industrial component noted.
 - Suggestion to eliminate two bullets and keep the outline of 46-470 from state statutes
 - Differences in approaches taken to conservation and efficiency noted and suggestion that not all water is treated equally or used equally throughout the basin. Locally determined by NRDs and users within its boundaries
 - Ties into the value of stewardship

Consensus on potential new goal – group agreed to move the goal forward in further consideration of plan and bring elements of 46-470 forward as objectives

2. Potential new goal #2 – *Work to maintain the economic viability of users within the basin*
 - *Increase sustainability under cyclical supply conditions*
 - *Identify storage opportunities*
 - *Conjunctive management*
 - *Continue to encourage diversity in revenue streams (hunting, cattle, alternative crops, hydro, etc.)*
 - *Pursue regulatory modifications (local, state, Federal)*
 - *Identify strategies to establish geographic equity for water users above and below Lake McConaughy*
 - *Continued support of advancing technological practices; efficiency of use*
- Feedback on second potential new goal
 - Platte River System has seen many changes, these list items (objectives) should reflect that.
 - Efficiency has direct effects on return flows that need to be understood.
 - Discussion on efficiencies and return flows:
 - Need to understand the roles of return flows as water supplies, effects of efficiency on returns, and develop plans as appropriate. Suggestion to add as its own objective under this goal
 - System above McConaughy is at risk as it depends on return flows – impacts everything downstream.
 - Focus on using water as a reusable resource (returns to be used as downstream supplies, for example), rather than shipping away. Use it in multiple ways”
 - Broaden reference to revenue stream diversity to include hunting, fishing, etc as they are industries getting a more diversified revenue across the state

- NRDs are in different places as far as planning and management and the geographic differences across basins make mandating equality difficult.
- Some differences are solely based on geographical (and hydrological) circumstances.
- Recommendation to eliminate reference to geographical differences (eliminate reference to “above and below Lake McConaughy”)
- Stakeholder comment that if western NRDs are under allocation and send water downstream (negatively impacting the economy) and similar management actions are not taken downstream it doesn’t seem fair.
- Discussion and concerns that if storage is overemphasized increase sustainability under cyclical conditions, we need to recognize limitations:
 - Prospect of building new large surface water storage is unlikely due to prior appropriations and environmental issues.
 - Comment that drought and flood conditions need to be considered in a comprehensive manner. Storage could be dry half the time – may not be politically acceptable, but need the extra storage to capture excess flows
 - Storage will require excess flows and it is hard to depend on the availability of excess flows. We need to take advantage of opportunities to use/direct excess flow when it is available. Excess flow is not available every year, but we should be putting it into storage when it is available so that we have access to it in dry years.
 - The impact of surface water irrigation efficiencies on return flows needs to be considered in our discussions about storage. Efficiencies in surface water systems limit supplies that downstream users have come to rely upon. How might we mitigate the impact of efficiencies on return flows?
 - Existing storage could be improved by restoring lost storage to siltation in addition to new surface water storage.
- Stakeholder Comment that the word *geographic* in the objective is in the wrong place – relates to creating water efficiency under differing geographic conditions. The nature of water cannot be changed
- Recommendation to delete ‘geographic equity’
- Recommendation to incorporate tracking equity, so amend the objective but don’t remove entirely
 - Discussion of timing of moratoriums placed within the basin and that those that allowed development should have to offset more. It was noted that is consistent with practice – each NRD is responsible for mitigating post-1997 uses that occurred within its boundaries.
- Recommendation to changing ‘establish’ to improve’
- SPG request to add “Develop strategies for drought” to the second increment plan

- SPG agreed to replace ‘pursue’ with ‘identify’, so that it reads *identify regulatory modifications*
- The Plan should identify opportunities and provide direction on what conditions are necessary in order to take advantage of excess flows for groundwater recharge.
- Noted that Representative Smith has requested irrigation infrastructure funding added to President’s plan – could include working with other states as well.
- Comment that drought and flood conditions need to be considered in a comprehensive manner. Storage could be dry half the time – may not be politically acceptable, but need the extra storage to capture excess flows
- S. White asked how they’d feel if we replaced ‘equity’ with ‘fairness’
 - Comment that fairness & geographic equity are two different things.
 - Stakeholder comment that Equity and/or fairness can never be 100% possible but important to acknowledge and mitigate it
- Based on possible edits to Goals & Objectives – used the red/yellow/green card activity to gauge acceptance of additions/revisions to goals and objectives
 - Based on the edits (Stephanie’s in-meeting edits to Goals & Objectives)
 - Majority held up yellow – not quite happy with suggested solutions
 - *Majority were stuck on the second to last bullet (Identify strategies to establish geographic equity for water users above and below Lake McConaughy)*
- Discussion on *Pursue regulatory modifications*:
 - Delete the parenthetical reference in *Pursue regulatory modifications (local, state, Federal)*
 - Intentional recharge project purpose is restricted on BOR canals as an example.
 - Limits on leasing surface water exist – benefits to all in being able to extend those leases as another example.
 - Stakeholder comment regarding deregulation/suspension of regulation during wet years could be beneficial.
 - Noted that having this as an objective strengthens the argument in discussions with public policy makers.

SPG consensus on potential new goal & respective objectives – group agreed that it could move forward once:

- **Third objective regarding geographic equity was removed**
- **“Pursue” in second objective changed to “identify”**

V. Potential New Objectives for Goal 3 Discussion

- *Increased, standardized and regular reporting / education on business health*
 - *Impact of community conservation education programs*
 - *Establish standard indices of economic health for distinct user groups (including cost of regulations to irrigators)*
- *Broader public inclusion in process and information dissemination*

- Comment in support of intent, but concern that establishment of standard indices linking water availability to economic health may be impossible.
- Many factors beyond water impact farm economy.
- Noted that if economic viability is one of the plan goals or related to the second increment offset targets, plan will need to include some metric to answer the question “How are we doing?” when monitoring and reporting during implementation.

SPG consensus - agreed not to add the two new objectives to Goal 3 as currently proposed.

- VI. Discussion of SPG role in providing input on goals/objectives/action items – is there a limit on level of detail?
- Noted that currently the SPG has discussed and provided input on all 3.
 - This group’s discussions and identification of possible projects/management actions is helpful to NRDs and the input is useful in identifying activities, to include in the basin-wide plan, as well as for each individual NRDs to consider when updating their individual plans and implementation.
 - S. White asked the NRD managers/staff if current level of detail from SPG was enough for purposes of the basin-wide plan?
 - Consensus was yes, that it was.
- VII. Continued Work on Definitions for Additional Elements
- Handouts were passed out to SPG to assess the following three foundations in regards to the Upper Platte River Basin, the maintenance of each in the basin, and how they’re vulnerable to water shortage
 1. Social and Environmental Health
 2. Safety
 3. Welfare
- VIII. Next Steps
- NeDNR will post 46-715 Statute to the UPBWB website
 - HDR will post a summary of the survey responses and discuss more at meeting in September
 - HDR will bring a poster and stickers of value statements
- Next Meeting: September 20, 2017***
- IX. Public Comment - *None*